



CHIEF CORONER

GUIDANCE No. 6

THE APPOINTMENT OF CORONERS

INTRODUCTION

1. This Guidance is designed to assist local authorities in making coroner appointments under the Coroners and Justice Act 2009. It also sets out the way in which the Chief Coroner is likely to exercise his consent under the Act.
2. The Chief Coroner wishes to emphasise that the appointments process is essentially a matter for the local authority. Each appointment will be their appointment.
3. Nevertheless, local authorities need to bear in mind that with the implementation of the 2009 Act (from 25 July 2013) all appointments of coroners need the consent of the Chief Coroner and the Lord Chancellor.
4. It should be noted that local authorities 'appoint' coroners but they do not 'employ' them. This is an important distinction. Once appointed a coroner becomes and remains an independent judicial office holder. Local authorities pay the coroner's salary or fees and agree other terms and conditions (the Chief Coroner is consulting on a template as guidance). But there is no contract of employment between local authority and coroner. Coroners should not be equated in financial or other terms with chief officers.
5. To be eligible for any coroner appointment under the 2009 Act a person must satisfy the judicial-appointment eligibility condition on a five-year basis and be under the age of 70: paragraph 3 of Schedule 3.
6. All references in this guidance are to the Coroners and Justice Act 2009.

Local authorities make all appointments

7. All appointments of coroners - senior coroners, area coroners and assistant coroners - must now be made by the relevant local authority for the coroner area: section 23, paragraphs 1 and 2 of Schedule 3. Previously, under the Coroners Act 1988, the coroner appointed deputy and assistant deputy coroners. Under the 2009 Act, however, it is now the local authority which must make all appointments.

8. Where the coroner area consists of more than one local authority, the relevant authority (formerly known as the lead authority) must consult the other authority or authorities before making a senior coroner appointment: paragraph 1(2) of Schedule 3. For the meaning of 'relevant authority' see paragraph 3, Schedule 2.

Consents

9. The Chief Coroner must consent to the appointment of all coroners: section 23, paragraphs 1(3) and 2(5) of Schedule 3.
10. Similarly, the Lord Chancellor must consent to all coroner appointments: *ibid*.

The Chief Coroner's role

11. In order to be able to decide whether to give his consent or withhold it the Chief Coroner will involve himself in every appointment process.
12. The Chief Coroner will be involved directly in the appointment process for senior coroners, either himself or through a nominee.
13. The Chief Coroner's nominee will be an experienced senior coroner chosen by the Chief Coroner to fulfil this role. There will be a small number of nominees who will act as the Chief Coroner would himself act in the process and who will report to the Chief Coroner.
14. The Chief Coroner's role in the appointment of area or assistant coroners will be more flexible (see below).

THE APPOINTMENT OF SENIOR CORONERS

15. The senior coroner is the coroner in charge of the coroner service for his or her coroner area. Where a senior coroner vacancy arises the relevant authority must appoint a senior coroner: paragraph 1(1) of Schedule 3.
16. Where a vacancy occurs in the office of senior (or area) coroner for an area, the relevant local authority must notify the Chief Coroner and the Lord Chancellor in writing as soon as practicable, and make the appointment usually within three months: paragraph 5, Schedule 3.
17. The Chief Coroner, his nominee (where there is one) and the Chief Coroner's office will be available to assist local authorities throughout the appointment process. Local authorities should not use other coroners to assist them with the process as this is likely to complicate matters and may confuse the process.
18. If the Chief Coroner's nominee is used, the relevant authority will pay the nominee's reasonable expenses. These would include overnight accommodation and a 'backfill' payment to the nominee's local authority to cover the time spent on the appointment process. However, the nominee will not receive a fee because he or she will always be a full-time salaried coroner.

Advertisements

19. The relevant authority must advertise the post widely and not just in the local area. It is vital that all experienced coroners should be made aware of the vacancy and the appointments process.
20. As a minimum requirement the local authority must advertise locally, through local media outlets, and where possible on the local authority website in a way which reaches all potential applicants. This is probably best achieved by notifying, immediately before advertising, both the Chief Coroner and the Coroners' Society of England and Wales that the advert is about to be posted. In this way the Chief Coroner can notify all coroners and the Coroners' Society will copy the advert to their website and circulate emails.
21. The local authority's advertisement should allow for an application period of at least three weeks.
22. The advertisement should refer to the job description, eligibility for the post, and terms and conditions of appointment, either directly or indirectly by reference to other documents which can be easily obtained. It should also explain how the application form can be obtained and who can be contacted for further information.

Applications

23. Although the content of the application form is a matter for the local authority, if necessary the Chief Coroner's office can provide a specimen application form as well as advertisement and job description.
24. Where the applicant is not a full-time coroner, it is important that the applicant's coroner experience is provided in detail. The form should therefore require the applicant to state:
 - (a) how many days worked as coroner;
 - (b) the nature of the work;
 - (c) the division of time between office and court;
 - (d) the extent of experience in completing Forms 100A and 100B;
 - (e) the number and type of inquests conducted;
 - (f) the number of long inquests and their subject matter; and
 - (g) the number of Article 2 inquests conducted.

The sift

25. The local authority (through appointed officers) will choose from the written applications who they wish to interview. It is suggested that about 4-6 candidates is a good number to interview. That kind of number allows for all interviews to be concluded and discussed in one day.
26. After the sift the written applications of all candidates will be shown to the Chief Coroner who will then consider the sift for two purposes:
 - first to see if a good candidate has not been included for interview, in which case the Chief Coroner will recommend that that candidate should also be interviewed; and

- secondly, to indicate whether a candidate selected for interview is not appointable, for example for lack of coroner experience for the particular post, and, if so, the Chief Coroner will advise the local authority accordingly.

Interviews

27. The candidates selected at the sift will be interviewed by the local authority. Interviews will take the form of a short presentation prepared by candidates in advance and questions.
28. Normally, the local authority will appoint officers to conduct the interviews, although sometimes a councillor may also sit on the interview panel. Some local authorities delegate the appointment power to senior officers. Others look to the officers to make a recommendation after interview to council leaders. Some others have a two-stage process with officers interviewing first in order to select one or two candidates to put forward for a second round of interviews with elected council members. These are matters for the local authority in question. However, the Chief Coroner will advise on the process to be adopted if asked to do so.
29. The Chief Coroner or his nominee will be able to assist the local authority on the presentation topic and questions for the candidates, particularly on technical questions. The Chief Coroner or nominee will assist in providing possible answers or indicators for those questions.
30. All candidates at interview will be asked the same questions.
31. The Chief Coroner, or his nominee, will attend the interviews but will not ask questions or intervene during the interviews. The chair of the interviewing panel will explain this to each candidate.

Decision after interviews

32. After all the interviews are completed the interview panel(s) will discuss the relative merits of the candidates and come to a decision.
33. The Chief Coroner or his nominee will be present during any discussion but will not have a vote in the decision (because a vote and a consent or withholding of consent might be taken to be double-counting in the process). Usually, when the Chief Coroner is present, he will indicate at the time that he will or will not give his consent (with reasons). This will be repeated in writing, with more explanation if required, as soon as reasonably practicable.
34. In the event that the panel declines to appoint any candidate the post will have to be re-advertised.

Appointment

35. Local authority practices vary at this point: see paragraph 28 above.
36. Once a candidate is proposed for appointment the formal written consent of the Chief Coroner and, separately, the Lord Chancellor, must be obtained. The Local Authority will need to write to the Lord Chancellor c/o the Coroners, Burials, Cremation and Inquiries Team at the Ministry of Justice (4th Floor, 102 Petty France, London SW1H 9AJ), giving detail of the appointment process.

Announcement

37. The local authority will liaise with the Chief Coroner's office (chiefcoronersoffice@judiciary.gsi.gov.uk) about the timing of the local authority's announcement of the new senior coroner to allow the Chief Coroner's office to inform all coroners and the Coroners' Society immediately after the announcement has been made.

THE APPOINTMENT OF AREA AND ASSISTANT CORONERS

38. The term area coroner will not be used widely. It is likely to refer to a deputy coroner who is a full-time salaried coroner.
39. Assistant coroners must also be appointed by the local authority: section 23, paragraph 2 of Schedule 3.
40. There is no longer a statutory requirement for the Chairman of the local authority to approve such appointments and it will be for each relevant authority to determine who should sign off coroner appointments for their area. Elected members may well choose to delegate this function to officers.
41. The Chief Coroner and the Lord Chancellor must consent to the appointments of all new assistant coroners: paragraph 2(5) of Schedule 3.
42. The Lord Chancellor may by order require the appointment for any coroner area of a minimum number of assistant coroners: paragraph 2(1)(b) of Schedule 3. At present each coroner area must have at least one assistant coroner: Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013.
43. In the meantime senior coroners and local authorities might like to consider that a maximum of about four actively working assistant coroners, perhaps with different areas of expertise, and where possible living locally, should be an appropriate number. In smaller coroner areas this may be too many, and local authorities might like to consider, after discussion with senior coroners, sharing arrangements with neighbouring areas.
44. Area and assistant coroners should be appointed for an initial term of 12 months and thereafter for a renewable term of three years.
45. Senior coroners and local authorities should not retain assistant coroners who have not worked in the jurisdiction for three years. If they are not needed they should be stood down and training space can be filled by active coroners.
46. The Chief Coroner will also develop a list of judge coroners (including certain retired judges) and retired senior coroners who may on request by the Chief Coroner be nominated by the Lord Chief Justice to conduct particularly difficult and complex cases. The Chief Coroner will also develop a list of specialist legal practitioners for similar purposes. All of those in both lists will be a possible (but not exclusive) resource for individual inquests.
47. The appointment process for assistant coroners will inevitably have to be more flexible than the process for appointing senior coroners, if only because there are likely to be many more assistant coroner appointments.

48. Where possible the local authority should hold an open competition, making sure that the advertisement for the post is widely publicised (see paragraphs 19-20 above). It may be necessary in appointing assistants to advertise more widely than just amongst coroners in order to attract good applicants, for example in legal periodicals.
49. In the main the process for appointing assistant coroners should be similar to the process for appointing senior coroners. The main differences are as follows:
- First, the local authority should always involve the senior coroner in the process, seeking the senior coroner's advice and assistance on (a) the need for and type of assistant coroner appointments, (b) the sift in selecting candidates for interview, and (c) as a member of the interview and decision panel.
 - Secondly, because of the likely number of appointments, the Chief Coroner will not be able to be directly involved, either himself or through a nominee, in all cases. He may only be able to exercise his consent on the basis of written materials, personal knowledge of candidates and in discussion with the senior coroner and the local authority. Where the Chief Coroner or his nominee has not been able to be present during the interviews, the local authority should make a written report for the Chief Coroner about the application and interview process and the reasons for proposing the successful candidate(s). But in all cases the Chief Coroner's consent will not be a foregone conclusion. Each proposed appointment will be carefully scrutinised.

HH JUDGE PETER THORNTON QC
CHIEF CORONER

24 July 2013